

1911-058 Chancery Causes: Charie Russell by & vs. Lewis Parsons, informant &
Lee Co.

Williams, Stapleton

1 Plat

CA-Estate Dispute
T-Property

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining your Complainant Chanie Russell infant who sues by her husband and next friend Dow Russell, would respectfully, represent and show unto your honor that her Father in his life time A.J. Parsons was seized and possessed of a tract of land *for life* situated in Lee County Virginia said to contain forty acres more or less and known as part of the Joseph Wynn land; and being so seized and possessed on the ___ day of ___ 19-- departed this life leaving your complainant, Lewis parson, an infant and Kempton Parsons his children and *Sarah M.* Parsons his widow, his heirs at law, the widow has married one Noah Williams, and lives in Wise County Va. *but has no interest in said land*

Your complainant alleges that said land ought to be partitioned among the parties entitled thereto, ~~and the widow assigned her dower in said land~~, and that it is susceptible of partition.

Your complainant prays that *Manda* Stapleton who has bought the interest of Kempton Parsons *Sarah M.* Parsons the widow and Lewis Parson be made parties defendant to this bill and answer the same but not oath; ~~that dower be assigned the widow~~, and said land be partitioned among your complainant and others according to their respective interest; that a guardian ad litem be assigned to defend for the infant defendant and your complainant prays for all other relief

generally that the nature of her case may require or to equity seem meet and she will ever pray &c.

M. G. Ely, Jr.

Ely

Charlie Russell by etc
vs E. Bill in Chancery
J. E. Parsons and others

1910 2nd Aug. Rules
Bill filed, Spa
ex equated as to
Sarah M. Williams
x D. N. as to her
" 1st Sept. Rules
D. N. conf'd as to
Sarah M. Williams
x cause set for
hearing as to her.

Costs:

Clerk \$9.80
Sheriff 3.00
Atty. 15.00
Ch. 5.00
Total \$32.80

M. G. ELY

COMMONWEALTH'S ATTORNEY
Jamesville, Virginia

\$32.50
24.68
1.50
58.68
19.56

In the Circuit Court for the County of Lee,
to-wit:

THE ANSWER OF Levis Parsons—

infant under the age of twenty-one years, by J. O. Woodward
guardian *ad litem*, assigned to defend him in this suit, to a bill of complaint exhibited against
him and others in the Circuit Court for the County of
Lee, by Charlie Russell by and others.

The respondent, reserving to himself the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that he is an infant of
tender years, and by reason of such disability is incapable of understanding, or of
taking care of his rights and interests, he therefore commend the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to his prejudice.

And having answered, the respondent pray to be hence dismissed with his
reasonable costs, in this behalf expended; and he will ever pray, &c.

J. O. Woodward. Guardian *ad litem*.

p. d.

Va. County
OF
Lee } ss.

This day, J. O. Woodward, whose name is signed to
the foregoing answer, personally appeared before me, M. H. Ely, com. in ch.,
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this 6th day of Sept., 1910

M. H. Ely
com. in ch.

Louis Paez

adv. }

ANSWER
OF
INFANT DEFENDANT.

China Russell by,

Chana Russell by its Plaintiff
against $\frac{1}{4}$ Lee Chancery.

Lewis Parsons and others Defendant,
This cause came on this day to be heard upon
the papers formerly read in the cause the report
of Partition by commissioners L. S. Cox and
others, and exceptions thereto by Amanda Stoppen
and was argued by counsel.

On consideration of which, said exceptions
are overruled, and the Court doth approve and
confirm said report, and the said Chana
Russell, Lewis Parsons and Amanda Stoppen
will take and hold the shares allotted to them
in said report, as set out by said report by
metes and bounds, and the clerk of this court
will record said plat and partition and
decrees in this cause in the case book -
and the parties in interest will pay the costs of
this suit in proportion to their interest, for
which execution may issue in favor of the
officers of the Court, and the cause is stricken
from the docket.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 22nd day
of March, 1911, the foregoing decrees, commissioners' report and
plat were presented, and admitted to record.

Teste: H. C. D. Lewis, Clerk.

Chama Russell for the
No. 1 Deere Final
Lemo Parsons. et al.

Entered in CCB
No. 9, page 124 to

Recorded in Deeds
Book 51, page 80 to
Examined Mch 24/1911
Indexed.

Enter This

It is as shown

Feb. 18-1911-

China Russell by its Plaintiff
against $\frac{2}{3}$ In Chancery —

Sarah M. Williams & other Defendants

This cause came on this day to be heard
upon the bill of complainant, process duly
executed as to Sarah M. Williams, and appearance
of Amanda J. Stapleton by her attorney, and answer
of the infant defendant by J. O. Woodburn
his Guardian ad litem duly sworn to, and
general replication to said answer and was
argued by counsel,

on consideration of which, it is adjudged
ordered and decreed that, C. S. Cox, J. A. G. Hyatt,
H. P. Dixon, C. D. Ball, and W. P. Wood, any three
of whom may act, after having been duly sworn
are hereby appointed Commissioners to go
upon said land described in said bill
and partition it among the parties entitled
thereto, assigning ~~to the said Amanda J. Stapleton~~

~~one~~ to China Russell, one-third, to Lewis
Parsens one-third, and to Amanda J. Stapleton
adjoining her other lands if it can be done without injury to the other
one-third & taking into consideration,

quantity, quality, roads, water ways, &c —
and said commission will assign to China
Russell the portion which she has improved
by building a house if it can be done
without prejudicing the interests of others.
and it is adjudged that the widow has no interest in said land and is not
party in interest, and it is ordered that the cause is continued,

China Russell by
ns. & S. Dever
Lewis Parsons et al

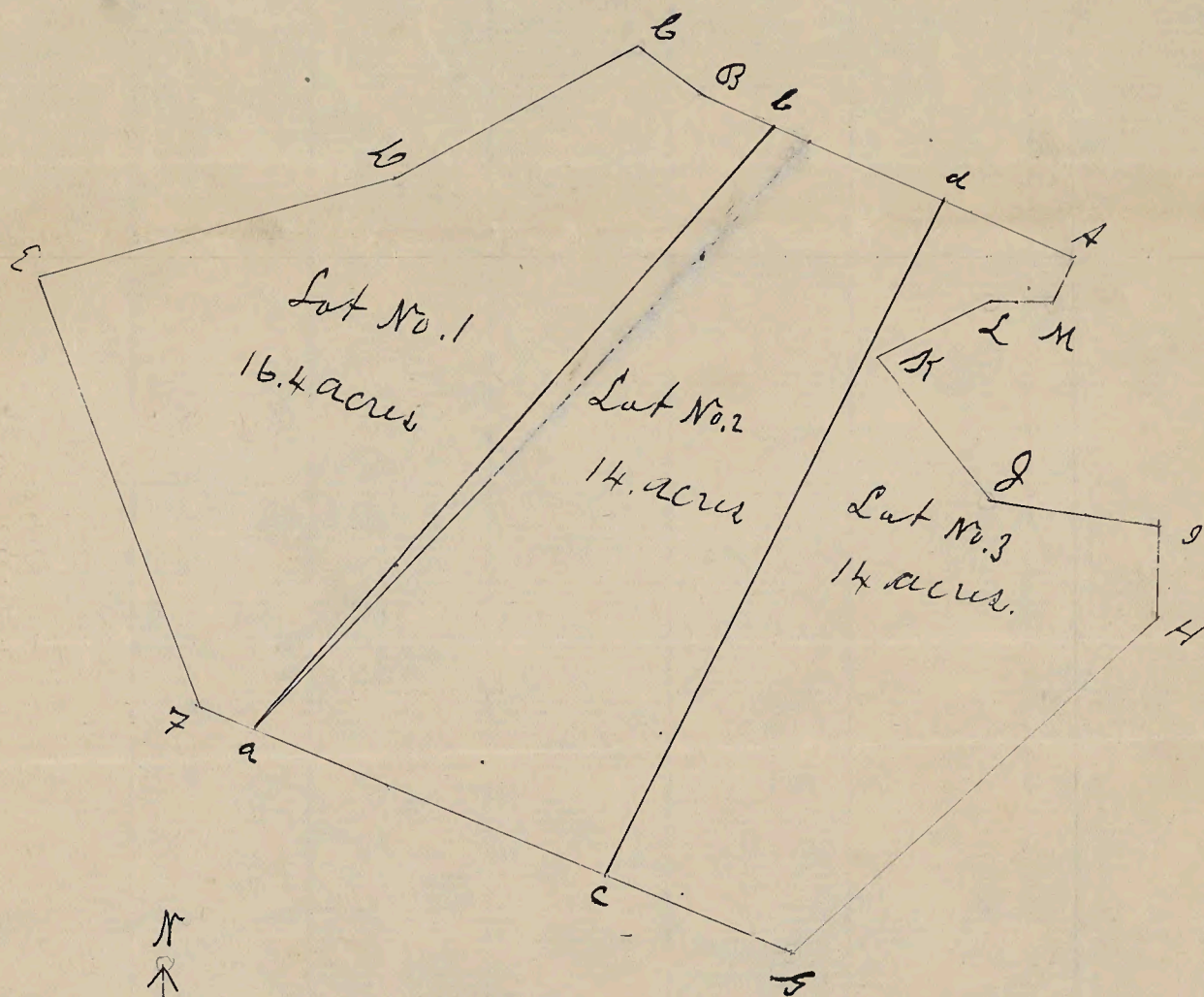
Entered in C. B.
No 9, page 47

Recorded in Deeds
Book 5-1, page 787a
Examined Feb 24, 1911.
Indexed.

Enter This.

- H. A. W. Glenn.

Sept 7-1910.



Commissioner's Report.

Chas. Russell & Co

Plaintiff

Vs.

In Chancery

Sarah M. Williams et al.

Defendants

To the Hon. S. A. W. Skerr, Judge of the Circuit Court of Lee County Virginia:—

We, the undersigned Commissioners, who were appointed by Your Honor in the above styled cause on the 7th day of September 1910 and directed to go upon the lands mentioned in the said cause, at being that of which A. J. Parsons, deceased, died seized & possessed, and partition, lay off, & assign the same to those entitled thereto, beg to make the following Report:—

Pursuant to said decree we went upon the lands in question on the 24th day of Nov. 1910 and after having been duly sworn, proceeded to make a survey of the entire boundary:—

Beginning at "A" a stump on the west side of the public road N. 67° W. 43.38 poles to "B" a stake on the same side of said road; thence N. 49½° W. 7.86 poles to "C" a stake on the same side of said road the same being a corner to the Geo.

Headrick land; thence with Headrick's line S. 62° W. 30.28 poles to "D" a planted rock; thence continuing with Headrick's line S. 74 $\frac{3}{4}$ ° W. 40.12 poles to "E" a stake on the Stapleton line; thence with said line S. 19 $\frac{1}{2}$ ° E. 49 poles to "F" a stake on the Collier line; thence with said line S. 67° 10' E. 69 poles to "G" a stake, corner to the Wynn land; thence with the Wynn line N. 47 $\frac{1}{2}$ ° E. 54 poles to "H" a small poplar; thence continuing with said line N. 2° W. 9.75 poles to "I" a corner to the Amanda Stapleton land; thence with the Stapleton line N. 81 $\frac{1}{2}$ ° W. 17.44 poles to "J" a corner of said Stapleton land; thence continuing with said line N. 37° W. 19.5 poles to "K" a Stapleton corner; thence N. 65° E. 13.5 poles to "L" a Stapleton corner; thence S. 87° E. 6.7 poles to "M" a Stapleton corner; thence continuing with said Stapleton line N. 24° E. 6 poles to "A" the Beginning. The boundary contains about 44.4 acres.

We then proceeded to partition, lay off, and assign the same as follows, to wit;

First, we laid off and assigned to Chainie Russell Lot No. 1 which contains that portion which she has improved by building a house etc. and is bounded as follows, to wit;

Beginning at "B" Headrick's corner on

the public road S. 62° W. 30.28 poles with Steadrich line to "D" a planted rock; thence with the Steadrich line S. 74 $\frac{3}{4}$ ° W. 40.12 poles to "E" a stake on the Stapleton line; thence with the said line S. 19 $\frac{1}{2}$ ° E. 49 poles to "F" a stake on the Callier line; thence with said line S 67° 10' E 6.1 poles to "a" a stake the same bring a corner to Lot No. 2; thence leaving said line N. 43° E. 85.7 poles to "b" a stake on public road; thence with said road N. 67° W. 10.48 poles to "B" a stake; thence continuing with said road N. 49 $\frac{1}{2}$ ° W. 7.86 poles to the beginning containing about 16.4 acres.

Lot No. 2,

we laid off and assigned to Lewis Parsons, and is bounded as follows, to wit:—

Beginning at "b" corner to lot No. 1, on the public road S. 43° W. 85.7 poles with line of said lot No. 1. to "a" a stake on the Callier line; thence with the Callier line S 67° 10' E 43.75 poles to "c" a stake on said line, a corner to lot No. 3. thence N. 27 $\frac{3}{4}$ ° E. 81.7 poles to "d" a stake on the public road; thence with said road N. 67° W. 18.9 poles to the beginning containing about 14 acres.

Lot No. 3,

we laid off and assigned to Amanda Stapleton, the boundary is as follows, to wit:—

Beginning at "d" a stake on public

road, a corner to lot No. 2 S 27 $\frac{1}{2}$ W 8 17 poles to "C"
a stake on the Collier line; thence with said
line S 67° 10' E 19.25 poles to "G" a stake, corner to the
Byrm land; thence with the Byrm line N. 47° 2. 54 poles
to "H" a small poplar; thence continuing with said
line N. $\frac{1}{2}$ W. 9.75 poles to "I" a corner to the Amanda
Stapleton land; thence with the Stapleton line
N. 81 $\frac{1}{2}$ W. 17.44 poles to "J" a corner to said Stapleton
land; thence continuing with said line N. 37° W.
19.5 poles to "K" a Stapleton corner; thence N. 65° E. 13.5
poles to "L" also a Stapleton corner; thence S. 87° E.
6.7 poles to "M" another corner to Stapleton land;
thence continuing with said Stapleton line
N. 24° E. 6 poles to "A" a stake on public road; thence
with said road N. 67° W. 14 poles to the beginning.
Containing about 14 acs.

A plat of said land is attached as part
of this report. It shows the boundaries of the
entire tract, as well as the boundaries of each
lot, laid off and assigned herein.

All of which is respectfully submit-
ted this the 28 day of Nov. 1910.

C. S. Cox
J. A. Hyatt
W. P. Dixon

} Commissioners

Recorded in Deed
Book 51, page 197c
Examined Feb 24, 1911
Indexed.

Cost of Partition.

C. S. Cox, Surveyor,	20.56
J. A. G. Hyatt, Comr.	\$5.00
H. P. Dixon "	\$5.00
John Ballier Chairman,	1.00
Law Russell " "	1.00

Ancanda Stapleton

The defendant, ¹⁴ writes to the confirmation
of this report because

1st. The course, lay off and partition 44.4
acres of land when the deed of W.A. Parsons
to A.J. Parsons conveys in express terms by
lines as to cover only 40 acres, and the
residue or 4.4 acres is the property and land
of said defendant. See O.B. 32 p. 482-3

Pennington Bros

*Chas. H. Russell & Co
95. Hornu. Report*

*Arch. W. Williams & Co
Filed Nov. 29, 1910.
J. O. J. Curry.
Clk.*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Sarah M. Williams, Manda*
Stapleton and Lewis Parsons, infant,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *August*, 19*10*, to answer a bill in chancery exhibited against *them*

in our said Court by China Russell,
who sues by Dow Russell, her husband
and next friend.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *25th*

day of *July*, 19*10*, and 1*35*th year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

China Russell by re,

VS

SUBPENA
IN
CHANCERY

Sarah M. Williams
et al.,

M. G. Ely, -p. q.

To

2nd Aug.
Circuit

Rules

Court

1910.

the parties can not be found
in this part of the country
W. J. Shortley
for W. J. Tucker

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Sarah M. Williams, Manda
Stapleton and Lewis Parsons, infant,*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *August*, 19*00*, to answer a bill in chancery exhibited against *Them*

*in our said Court by China Russell, who
sues by Dow Russell, her husband and
next friend,*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *25th*

day of *July*, 19*00*, and 1*35*th year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing,, Clerk

H. C. T. Ewing, Clerk

VS

}

SUBPENA
IN
CHANCERY

-----p. q.

To-----Rules

-----Court

For
Manda Staple-
ton, wife of Lewis
Stapleton.

The Commonwealth of Virginia,

Sergeant of the Town of Big Stone Gap,
To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Sarah M. Williams, Manda
Stapleton and Lewis Parsons*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *3rd* Monday in *August*, 19*10*, to answer a bill in chancery exhibited against *them*

*in our said Court by China Russell, who
sues by Dow Russell, her husband and
next friend.*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *25th*
day of *July*, 19*10*, and 1*35th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

China Russell by ye.

VS

SUBPOENA
IN
CHANCERY

Sarah M. Williams
et al.,
M. G. Ely, p. q.

To

2nd Aug.

Rules

Lee Circuit

Court

1910
Entered by delivering
an office copy of the
within. Given
to Sarah M.

Williams in 1513
Stone Gap Mine copy

July 27-1910

D. E. Ely
D. E. Ely